

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DAVID TRUDEAUX,

Plaintiff,

v.

Case No. 20-CV-169

PAPER TRANSPORT, INC.,

Defendant.

ORDER

On February 23, 2024, the court entered an order granting in part and denying in part defendant PTI's motion in limine and denying plaintiff David Trudeau's motion for "Reconsideration of Summary Judgment; and Continued Recruitment of Counsel for Plaintiff." (ECF No. 105.) On March 6, 2024, Trudeau filed an interlocutory appeal with respect to the court's denial of his motions. (ECF No. 108.) The case is set to go to trial on March 11, 2024. (ECF No. 106.)

Interlocutory appeals are governed by 28 U.S.C. § 1292(b). The statute provides that:

When a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the

order may materially advance the ultimate termination of the litigation, he shall so state in writing in such order. The Court of Appeals which would have jurisdiction of an appeal of such action may thereupon, in its discretion, permit an appeal to be taken from such order, if application is made to it within ten days after the entry of the order: Provided, however, That application for an appeal hereunder shall not stay proceedings in the district court unless the district judge or the Court of Appeals or a judge thereof shall so order.

28 U.S.C. § 1292(b). There is no basis to certify an interlocutory appeal here. Trudeau's appeal relates to a nondispositive order that does not "involve[] a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation." 28 U.S.C. § 1292(b). As a result, the court will not certify Trudeau's appeal.

The case is not stayed due to Trudeau's application for an interlocutory appeal. Trial will proceed as scheduled, commencing on March 11, 2024, at 8:30 AM in Courtroom 242 of the United States Courthouse, 517 E. Wisconsin Avenue, Milwaukee, Wisconsin.

SO ORDERED.

Dated at Milwaukee, Wisconsin this 6th day of March, 2024.


WILLIAM E. DUFFIN
U.S. Magistrate Judge